

**REMARKS**

In response to the Office Action dated January 24, 2008, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-4, 6-18, 20-37, and 39-82 were pending in the application, of which Claims 1, 24, 32, 45, 58, and 70 are independent. In the Office Action dated January 24, 2008, Claims 1-4, 6-18, 20-37, and 39-82 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-4, 6-18, 20-37, and 39-83 remain in this application with Claim 83 being added by this amendment. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims 1-2, 6, 17-18, 20-23, 32-33, 38, 40, 43-47, 52-53, 56-59, 64, 66, 69-72, 77-78, and 81-82 Under 35 U.S.C. § 103(a)

In the Office Action dated January 24, 2008, the Examiner rejected Claims 1-2, 6, 17-18, 20-23, 32-33, 38, 40, 43-47, 52-53, 56-59, 64, 66, 69-72, 77-78, and 81-82 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,732,275 ("*Kullick*") in view of U.S. Patent No. 6,314,565 ("*Kenner*") in view of U.S. Patent No. 6,151,643 ("*Cheng*") and further in view of U.S. Pat. Pub. 2002/0143795 ("*Fletcher*"). Claims 1, 32, 45, 58, and 70 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

According to exemplary embodiments, communication between a system (e.g. a media format site (MFS)) and a user device (e.g. universal media player) may be initiated. (See specification page 14, lines 7-11.) This communication may occur in a multitude of ways, with either the MFS or the universal media player device 5 being the

initiator. (See specification page 14, lines 11-13.) The communication may be initiated for various reasons as well, such as at a scheduled time, random time, or in response to an event, such as due to encountering a new media type file or media format. (See specification page 14, lines 13-15.)

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device.” Amended Claims 32, 45, 58, and 70 each includes a similar recitation. Support for these amendments can be found in the specification at least on page 14, lines 7-15.

In contrast, *Kullick* at least does not disclose the aforementioned recitation. For example, *Kullick* merely discloses automatic management of multiple resident versions of a software program. (See col. 2, lines 30-32.) *Kullick* permits a software program running on a computer to be automatically updated with a newer version in a completely automated fashion. (See col. 2, lines 32-35.) *Kullick's automatic updates occur* without requiring external access to the computer, and in a manner that is completely transparent to the user of the computer. (See col. 2, lines 32-35.) Consequently, *Kullick* discloses updated software without externally accessing a computer. As a result, *Kullick*, does not disclose a client receiver initiating communication with a remote device. Rather, *Kullick* discloses not allowing external access to computer (i.e. remote devices).

In addition, *Kenner* does not overcome *Kullick's* deficiencies. For example, *Kenner* merely discloses a software updating tool that analyzes configuration information from a user terminal to determine what multimedia software is stored by the system. (See col. 4, lines 54-56.) *Kenner's* tool compares a list of the user's multimedia software with the list of software upgrades contained in a script file. (See col. 4, lines 56-63.) Based on this comparison, the tool is able to advise the user as to the availability of upgrades and also of new multimedia software that is not presently installed on the user terminal. (See col. 4, lines 56-63.) The user then has the option to upgrade his existing multimedia software or download new multimedia software. (See col. 4, line 63-col. 5, line 4.) If the user requests new software or software upgrades, the updating tool uses the instructions in the script file to simulate manual transactions between the user terminal and the servers. (See col. 4, line 63-col. 5, line 4.) Consequently, *Kenner* discloses a user initiated tool for updating software. As a result, *Kenner*, does not disclose a client receiver initiating communication with a remote device. Rather, *Kenner* discloses a user initiated tool.

Furthermore, *Cheng* does not overcome *Kullick's* and *Kenner's* deficiencies. *Cheng* merely discloses automatically updates software components from numerous diverse software vendors on a computer system of a plurality of end users. (See col. 2, lines 63-66.) In *Kenner*, at least one database that stores software update information for a plurality of software products manufactured by diverse software vendors. (See col. 2, line 66-col. 3, line 1.) The software update information in the database specifies the software update program or files and their network location on the computer system of the software vendors. (See col. 3, lines 5-10.) Consequently, *Cheng* discloses

updating software from vendors stored in databases. As a result, *Cheng*, does not disclose a client receiver initiating communication with a remote device. Rather, *Cheng* is silent regarding a client receiver initiating communication with a remote device.

Moreover, *Fletcher* does not overcome *Kullick's*, *Kenner's*, and *Cheng's* deficiencies. For example, *Fletcher* merely discloses a computer system having a memory for storage of files and a main file system for accessing the files. (See paragraph [0021].) In *Fletcher*, the files system includes a custom hierarchical structure of files and folders and a set of links between the custom files and the locations of corresponding real files. (See paragraph [0021].) The custom file system has priority over a main file system, in that a process manager will attempt to address requests on the custom file system prior to placing requests on the main file system. (See paragraph [0021].) Consequently, *Fletcher* discloses a file system having a hierarchical structure for addressing request. As a result, *Fletcher*, does not disclose a client receiver initiating communication with a remote device. Rather, *Fletcher* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, and *Fletcher* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, and *Fletcher*, either individually or in combination, at least do not disclose “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device,” as recited by amended Claim 1. Amended Claims 32, 45, 58, and 70 each includes a similar recitation. Accordingly, independent Claims 1, 32, 45, 58, and 70 are each patentably

distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 32, 45, 58, and 70.

Dependent Claims 2-4, 6-18, 20-23, 33-37, 39-44, 46-57, 59-69, and 71-82 are also allowable at least for the reasons described above regarding independent Claims 1, 32, 45, 58, and 70, and by virtue of their respective dependencies upon independent Claims 1, 32, 45, 58, and 70. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-4, 6-18, 20-23, 33-37, 39-44, 46-57, 59-69, and 71-82.

II. Rejection of the Claims 10-16, 36, 39, 62, and 65 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 10-16, 36, 39, 62, and 65 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of “Windows Media Player” (“wmp7”) in view of *Cheng* and further in view of *Fletcher*. Dependent Claims 10-16 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device.” Claims 36, 39, 62, and 65 each includes a similar recitation due to their respective dependencies on independent Claims 32 and 58.

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *wmp7* does not overcome *Kullick's*, *Kenner's*, *Cheng's*, and *Fletcher's* deficiencies. *Wmp7* merely discloses a graphical user interface. (See Figure 5.) As a result, *wmp7*, does not disclose a client receiver initiating communication with a remote device. Rather, *wmp7* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *wmp7*, and *Fletcher* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *wmp7*, and *Fletcher*, either individually or in combination, at least do not disclose or suggest “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device,” as included in dependent Claims 10-16. Dependent Claims 36, 39, 62, and 65 each includes a similar recitation. Accordingly, dependent Claims 10-16, 36, 39, 62, and 65 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 10-16, 36, 39, 62, and 65.

### III. Rejection of the Claims 3, 41, 50, 67, and 75 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 3, 41, 50, 67, and 75 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* and further in view of U.S. Patent No. 5,790,677 (“*Fox*”). Dependent Claim 3 is patentably distinguishable over the cited art for at least for the reason that it

includes, due to its dependency on amended independent Claim 1, “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device.” Claims 41, 50, 67, and 75 each includes a similar recitation due to their respective dependencies on independent Claims 32, 45, 58, and 70.

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *Fox* does not overcome *Kullick’s*, *Kenner’s*, *Cheng’s*, and *Fletcher’s* deficiencies. *Fox* merely discloses secure electronic interchanges of commerce documents and instruments by trading participants. (See col. 1, lines 7-9.) As a result, *Fox*, does not disclose a client receiver initiating communication with a remote device. Rather, *Fox* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Fox* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, and *Fox*, either individually or in combination, at least do not disclose or suggest “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device,” as included in dependent Claim 3. Dependent Claims 41, 50, 67, and 75 each includes a similar recitation. Accordingly, dependent Claims 3, 41, 50, 67, and 75 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 3, 41, 50, 67, and 75.

IV. Rejection of the Claims 4, 24-25, 27-28, 34-35, 42, 54-55, 60-31, 68, and 79-80 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 4, 24-25, 27-28, 34-35, 42, 54-55, 60-31, 68, and 79-80 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* and further in view of “Handbook of Applied Cryptography” (“*Menezes*”). Claim 24 have been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

According to exemplary embodiments, communication between a system (e.g. a media format site (MFS)) and a user device (e.g. universal media player) may be initiated. (See specification page 14, lines 7-11.) This communication may occur in a multitude of ways, with either the MFS or the universal media player device 5 being the initiator. (See specification page 14, lines 11-13.) The communication may be initiated for various reasons as well, such as at a scheduled time, random time, or in response to an event, such as due to encountering a new media type file or media format. (See specification page 14, lines 13-15.)

Amended Claim 24 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates



communication with the plurality of remote devices.” Support for this amendment can be found in the specification at least on page 14, lines 7-15.

In contrast, *Kullick* at least does not disclose the aforementioned recitation. For example, *Kullick* merely discloses automatic management of multiple resident versions of a software program. (See col. 2, lines 30-32.) *Kullick* permits a software program running on a computer to be automatically updated with a newer version in a completely automated fashion. (See col. 2, lines 32-35.) *Kullick's automatic updates occur* without requiring external access to the computer, and in a manner that is completely transparent to the user of the computer. (See col. 2, lines 32-35.) Consequently, *Kullick* discloses updated software without externally accessing a computer. As a result, *Kullick*, does not disclose a client receiver initiating communication with a remote device. Rather, *Kullick* discloses not allowing external access to computer (i.e. remote devices).

In addition, *Kenner* does not overcome *Kullick's* deficiencies. For example, *Kenner* merely discloses a software updating tool that analyzes configuration information from a user terminal to determine what multimedia software is stored by the system. (See col. 4, lines 54-56.) *Kenner's* tool compares a list of the user's multimedia software with the list of software upgrades contained in a script file. (See col. 4, lines 56-63.) Based on this comparison, the tool is able to advise the user as to the availability of upgrades and also of new multimedia software that is not presently installed on the user terminal. (See col. 4, lines 56-63.) The user then has the option to upgrade his existing multimedia software or download new multimedia software. (See col. 4, line 63-col. 5, line 4.) If the user requests new software or software upgrades,

the updating tool uses the instructions in the script file to simulate manual transactions between the user terminal and the servers. (See col. 4, line 63-col. 5, line 4.)

Consequently, *Kenner* discloses a user initiated tool for updating software. As a result, *Kenner*, does not disclose a client receiver initiating communication with a remote device. Rather, *Kenner* discloses a user initiated tool.

Furthermore, *Cheng* does not overcome *Kullick's* and *Kenner's* deficiencies. *Cheng* merely discloses automatically updates software components from numerous diverse software vendors on a computer system of a plurality of end users. (See col. 2, lines 63-66.) In *Kenner*, at least one database that stores software update information for a plurality of software products manufactured by diverse software vendors. (See col. 2, line 66-col. 3, line 1.) The software update information in the database specifies the software update program or files and their network location on the computer system of the software vendors. (See col. 3, lines 5-10.) Consequently, *Cheng* discloses updating software from vendors stored in databases. As a result, *Cheng*, does not disclose a client receiver initiating communication with a remote device. Rather, *Cheng* is silent regarding a client receiver initiating communication with a remote device.

Moreover, *Fletcher* does not overcome *Kullick's*, *Kenner's*, and *Cheng's* deficiencies. For example, *Fletcher* merely discloses a computer system having a memory for storage of files and a main file system for accessing the files. (See paragraph [0021].) In *Fletcher*, the files system includes a custom hierarchical structure of files and folders and a set of links between the custom files and the locations of corresponding real files. (See paragraph [0021].) The custom file system has priority over a main file system, in that a process manager will attempt to address

requests on the custom file system prior to placing requests on the main file system. (See paragraph [0021].) Consequently, *Fletcher* discloses a file system having a hierarchical structure for addressing request. As a result, *Fletcher*, does not disclose a client receiver initiating communication with a remote device. Rather, *Fletcher* is silent regarding a client receiver initiating communication with a remote device.

Also, *Menezes* does not overcome *Kullick's*, *Kenner's*, *Cheng's* and *Fletcher's* deficiencies. For example, *Menezes* merely discloses remote encrypters for encrypting data and program modules. (See Figure 1.11.) As a result, *Menezes*, does not disclose a client receiver initiating communication with a remote device. Rather, *Menezes* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Menezes* would not have led to the claimed subject matter because *Kenner*, *Cheng*, *Fletcher*, and *Menezes*, either individually or in combination, at least do not disclose “a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates communication with the plurality of remote devices,” as recited by amended Claim 24. Accordingly, independent Claim 24 is patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 24.

Dependent Claims 25-31 are also allowable at least for the reasons described above regarding independent Claim 24, and by virtue of their dependency upon independent Claim 24. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 25-31.

Dependent Claim 4 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its dependency on amended independent Claim 1, “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device.” Claims 34-35, 42, 54-55, 60-31, 68, and 79-80 each includes a similar recitation due to their respective dependencies on independent Claims 32, 45, 58, and 70.

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *Menezes* does not overcome *Kullick's*, *Kenner's*, *Cheng's* and *Fletcher's* deficiencies. For example, *Menezes* merely discloses remote encrypters for encrypting data and program modules. (See Figure 1.11.) As a result, *Menezes*, does not disclose a client receiver initiating communication with a remote device. Rather, *Menezes* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Menezes* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, and *Menezes*, either individually or in combination, at least do not disclose or suggest “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device,” as included in dependent Claim 4. Dependent Claims 34-35, 42, 54-55, 60-31, 68, and 79-80 each includes a similar recitation. Accordingly, dependent Claims 4, 34-35, 42, 54-55, 60-31, 68, and 79-80 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 4, 34-35, 42, 54-55, 60-31, 68, and 79-80.

V. Rejection of the Claims 7, 8, 48, 51, 73, and 76 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 7, 8, 48, 51, 73, and 76 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* and further in view of U.S. Patent No. 6,678,888 (“*Sakanishi*”). Dependent Claims 7 and 8 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device.” Claims 48, 51, 73, and 76

each include a similar recitation due to their respective dependencies on independent Claims 45 and 70.

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *Sakanishi* does not overcome *Kullick's*, *Kenner's*, *Cheng's*, and *Fletcher's* deficiencies. *Sakanishi* merely discloses receiving inquiries from a remote device. (See col. 5, lines 56-62.) As a result, *Sakanishi*, does not disclose a client receiver initiating communication with a remote device. Rather, *Sakanishi* discloses receiving inquires from a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Sakanishi* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, and *Sakanishi*, either individually or in combination, at least do not disclose “a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device,” as included in dependent Claims 7 and 8. Dependent Claims 48, 51, 73, and 76 each includes a similar recitation. Accordingly, dependent Claims 7-8, 48, 51, 73, and 76 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 7-8, 48, 51, 73, and 76.

VI. Rejection of the Claim 9 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* and further in view of U.S. Pat. Pub. No. 2002/0082730 ("*Capps*"). Dependent Claim 9 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its dependency on amended independent Claim 1, "a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device."

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *Capps* does not overcome *Kullick's*, *Kenner's*, *Cheng's*, and *Fletcher's* deficiencies. *Capps* merely discloses interfacing with the Internet. (See paragraph [0031].) As a result, *Capps*, does not disclose a client receiver initiating communication with a remote device. Rather, *Capps* is silent regarding a client receiver initiating communication with a remote device.

Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Capps* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, and *Capps*, either individually or in combination, at least do not disclose "a client receiver for receiving remote data from a remote device, where the remote data includes remote program modules and remote media format access data that corresponds to a set of remote media formats, wherein the client receiver initiates communication with the remote device," as included in dependent Claim 9. Accordingly, dependent Claim 9 is

patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claim 9.

VII. Rejection of the Claims 29, 49, and 74 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 29, 49, and 74 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* and further in view of U.S. Pat. Pub. No. 2002/0091764 ("*Yale*"). Dependent Claim 29 is patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 24, "a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates communication with the plurality of remote devices." Claims 49 and 75 each include a similar recitation due to their respective dependencies on independent Claims 45 and 70.

As stated above *Kullick*, *Kenner*, *Cheng*, and *Fletcher* fail to disclose the aforementioned recitation. In addition, *Yale* does not overcome *Kullick's*, *Kenner's*, *Cheng's*, and *Fletcher's* deficiencies. *Yale* merely discloses uploading and downloading user data. (See paragraph [0043]-[0044].) As a result, *Yale*, does not disclose a client receiver initiating communication with a remote device. Rather, *Yale* is silent regarding a client receiver initiating communication with a remote device.



Combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, and *Yale* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, and *Yale*, either individually or in combination, at least do not disclose “a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates communication with the plurality of remote devices,” as included in dependent Claim 29. Dependent Claims 49 and 74 each includes a similar recitation. Accordingly, dependent Claims 29, 49 and 74 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 29, 49 and 74.

#### VIII. Rejection of the Claims 30-31, 37, and 63 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 30-31, 37, and 63 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* in view of *Yale* and further in view of *wmp7*. Dependent Claims 30-31 and 37 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 32, “downloading members of the set of remote media format access data from a plurality of remote devices each of which supports fewer than all the remote media format access data according to the personalization data, wherein downloading members of the set of

remote media format access data from a plurality of remote devices comprises the client program modules initiating communication with the plurality of remote devices.” Claim 63 includes a similar recitation due to its dependency on independent Claim 58.

As stated above *Kullick*, *Kenner*, *Cheng*, *Fletcher*, *Yale*, and *wmp7* fail to disclose the aforementioned recitation. As a result, combining *Kullick* with *Kenner*, *Cheng*, *Fletcher*, *Yale*, and *wmp7* would not have led to the claimed subject matter because *Kullick*, *Kenner*, *Cheng*, *Fletcher*, *Yale*, and *wmp7*, either individually or in combination, at least do not disclose or suggest “downloading members of the set of remote media format access data from a plurality of remote devices each of which supports fewer than all the remote media format access data according to the personalization data, wherein downloading members of the set of remote media format access data from a plurality of remote devices comprises the client program modules initiating communication with the plurality of remote devices,” as included in dependent Claims 30-31 and 37. Dependent Claim 63 includes a similar recitation. Accordingly, dependent Claims 30-31, 37, and 63 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 30-31, 37, and 63.

IX. Rejection of the Claim 26 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Kullick* in view of *Kenner* in view of *Cheng* in view of *Fletcher* in view of *Menezes* and further in view of *Fox*. Dependent Claim 26 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its

dependency on amended independent Claim 24, “a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates communication with the plurality of remote devices.”

As stated above *Kullick, Kenner, Cheng, Fletcher, Menezes, and Fox* fail to disclose the aforementioned recitation. As a result, combining *Kullick* with *Kenner, Cheng, Fletcher, Menezes, and Fox* would not have led to the claimed subject matter because *Kullick, Kenner, Cheng, Fletcher, Menezes, and Fox*, either individually or in combination, at least do not disclose or suggest “a remote media format controller for compiling remote media format access data usable for accessing the content of a set of remote media formats when the existing stored remote media access data is damaged, and for updating the remote media format access data by accessing a plurality of remote devices each of which supports fewer than all the remote media formats of the set of remote media formats, wherein the remote media format controller initiates communication with the plurality of remote devices,” as included in dependent Claim 26. Accordingly, dependent Claim 26 is patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claim 26.

X. New Claim

Claim 83 has been added by this amendment. Applicants respectfully submit that this claim is allowable over the cited art and that it adds no new matter. Support for new Claim 83 can be found in the specification at least on page 18, lines 9-15.

XI. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the application that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

/D. Kent Stier/

Date: July 22, 2008

---

D. Kent Stier  
Reg. No. 50,640

DKS:mdc

